IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15650 of 2005

Between:

Sri Varahalaxmi Narasimha Swamy Vari Devasthanam, rep. by its Executive Officer, Simhachalam.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Visakhapatnam District.
2 The Mandal Revenue Officer, Pendurthi Mandal, Vizag District.
3 Sri. Boddapati Ramunaidu, S/o. Late Venku Naidu,
R/o. Porupalem Village, Chintala Agraharam (PO),
Pendurthi Mandal of Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to Issue rule nisi calling for the records, leading upto and inclusive of the impugned proceedings of the Revenue Divisional Officer and appellate Authority, Visakhapatnam (1st respondent) in AIA. No.4/99/C, dt. 17.5.2005 and to issue any appropriate writ, order or direction more especially in the nature of writ of Certiorari for quashing the impugned proceedings of the Revenue Divisional Officer and appellate Authority, Visakhapatnam in AIa.No.4/99/C, dt. 17.5.2005.

Counsel for the Petitioner:MR.M.ADINARAYANA RAJU

Counsel for Respondent Nos.1 & 2: GP FOR REVENUE

Counsel for Respondent No.3 : None appeared

The Court made the following :

ORDER:

This Writ Petition is filed to quash the impugned proceedings dated 17.05.2005 issued by the Revenue Divisional Officer and Appellate Authority, Visakhapatnam.

It is the case of the petitioner that the Special Deputy Tahsildar (Inams), Visakhapatnam, after holding suo-moto enquiry decided in his Order in AIA 55/77 dated 02.01.1978 under Section 3(3) of the A.P.Inams Abolition Act, 1956 that the land covered by T.D.No.1191 are Inam Lands. The decision under Rule 3 was published in District Gazette issue No.58, dated 01.03.1990 and long after the above decision, the Executive Officer, Simhachalam Devasthanam approached the Mandal Revenue Officer, Pendurthi to grant Ryotwari Pattas for all the lands including the waste and porambokes under Section 7 of the Inams Abolition Act, in favour of Sri Varaha Lakshmi Narasimha Swamy Varu. After enquiry, the Mandal Revenue Officer, by his order, dated 06.09.1996 issued Ryotwari Patta in Form-VIII in an extent of Ac.383.70 cents in Cheemalapalli Village in favour of the said Temple, pending completion of re-survey of lands. As against the said decision, the third respondent preferred an appeal before the Revenue Divisional Officer, Visakhapatnam stating that the land covered by Sy.No.12 admeasuring Ac.3.74 cents of the Cheemalapalli Village was included in T.D.No.1192 which is a minor Inam and not included in T.D.No.1191 and the same was allowed holding that the land in an extent of Ac.3.74 cents covered by Sy.No.12 in T.D.No.1192 is wrongly included in T.D.No.1191 of Cheemalapalli Village. Hence, the Writ Petition.

When the matter came up for admission, learned Government Pleader submitted that the Writ is not maintainable and only a revision lies to the Commissioner of

Land Administration, Hyderabad under Section 14-A of the A.P. (A.A) Inams Abolition and Conversion into Ryotwari Act, 1956 (for short '**the Act**') and that the petitioner without availing the effective alternative remedy provided under the Act straight away approached this Court.

Having regard to the submission made by the learned Government Pleader, the Writ Petition is dismissed. However, it is open for the petitioner to avail alternative remedy provided under the Act. No order as to costs.

(ELIPE DHARMA RAO, J)

Dt: 21.07.2005

bsv/lvl

To

1 The Revenue Divisional Officer, Visakhapatnam District.
2 The Mandal Revenue Officer, Pendurthi Mandal, Vizag District.

3 Two CCs to the Government Pleader for Revenue, High Court of A.P.,

Hyderabad (OUT)

4. Two CD copies